

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

The plaintiff filed a Motion for Summary Judgment on August 17, 2006. However, recognizing that he may have filed his motion prematurely, he filed a “Motion to Withdraw Motion for Summary Judgment” on September 18, 2006.

The court **GRANTS** the plaintiff's Motion to Withdraw (Docket No. 17). The plaintiff's Motion for Summary Judgment (Docket No. 11) is **DENIED** without prejudice.

IT IS SO ORDERED.

Dated this 19th day of September, 2006.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.
United States Magistrate Judge